



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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February 15, 2011

BY FACSIMILE

Honorable Laura Taylor Swain, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Centre Street, Room 1205  
New York, New York 10007-1581

**MEMORANDUM ENDORSED**

The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.

Re: SEC v. Amerindo Investment Advisors Inc., et al.,  
05-CV-5231 (LTS) (S.D.N.Y.)

Dear Judge Swain:

I am counsel for the plaintiff Securities and Exchange Commission ("SEC") in the above-captioned action and write to provide Your Honor with an update. Following the December 10, 2010 status conference, the SEC staff, representatives of the United States Attorney's Office ("USAO") and counsel for defendants Alberto Vilar and Gary Alan Tanaka continued to discuss a potential "global" settlement whereby the Department of Justice would distribute forfeited Amerindo assets to Amerindo investors. The parties have not, however, reached agreement, and are currently waiting for Judge Sullivan's Forfeiture Order in the parallel criminal proceeding to become final. The USAO has advised that four investors have recently filed petitions to adjudicate their rights and interests in the forfeited Amerindo assets and, specifically, are seeking the alleged value of their Amerindo accounts, plus interest. The USAO is attempting to resolve these petitions on the grounds that individual investors do not have a legal interest in the specific Amerindo assets. If these petitions cannot be resolved on a consensual basis, the USAO expects to move to dismiss. Because any global settlement will require that forfeiture to the United States be completed, the parties have been awaiting the resolution of these petitions that challenge the forfeiture. Accordingly, the staff, joined by Mr. Vilar's counsel, respectfully requests that Your Honor reschedule the status conference scheduled for Friday, February 18, 2011 until the earlier of (a) the resolution of the investors' petitions and (b) April 15, 2011. Please advise if any further information would be of assistance to the Court.

*The request is granted. The conference is adjourned to April 29, 2011, at 11:30 AM. If the investors' petitions are resolved earlier, counsel must inform the Court promptly and request an earlier conference date if appropriate.*

Respectfully submitted,

*Mark D. Salzberg*

Mark D. Salzberg  
Senior Counsel

**SO ORDERED.**

NEW YORK, NY

*Laura Taylor Swain*  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

Feb 15, 2011